

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID R. LAMBERT,

Petitioner,

v.

JOHN E. WETZEL, *et al.*,

Respondents.

CIVIL ACTION
NO. 18-0026

ORDER

AND NOW, this 20th day of August, 2018, upon consideration of Lambert's Motion to Withdraw § 2254 Petition (ECF No. 7), and after review of Magistrate Judge David R. Strawbridge's Report and Recommendation (ECF No. 8), it is **ORDERED** that:

1. The Report and Recommendation (ECF No. 8) is **APPROVED & ADOPTED**;¹
2. Lambert's Motion to Withdraw § 2254 Petition (ECF No. 7) is **GRANTED**;
3. Lambert's Petition for a Writ of Habeas Corpus (ECF No. 1) is **DISMISSED without prejudice**;
4. No certificate of appealability shall issue;² and,

¹ When no objection is made to a Report and Recommendation, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; *see also Harris v. Mahally*, No. 14-2879, 2016 WL 4440337, at *4 (E.D. Pa. Aug. 22, 2016). The Court finds no clear error and accordingly accepts Judge Strawbridge's recommendation.

² Reasonable jurists would not debate the Court's disposition of petitioner's claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

5. The Clerk of Court shall close the case for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.